

## Remarks

The various parts of the Office Action (and other matters, if any) are discussed below under appropriate headings.

### ***I. Claim Rejections - 35 USC § 102 and § 103***

Claims 1-62 stand rejected under 35 USC §102(e) and/or §103(a) based on U.S. Patent Publication No. 2003/0008636 to *McGregor et al.* (hereinafter *McGregor*). Withdrawal of the rejections is respectfully requested for at least the following reasons.

#### ***A. Claims 1-24 and 29-58***

##### ***1. Claims 1 and 29***

Claims 1 and 29 have been amended to include the features of claim 13 and 43, respectively. Support for the amendments can be found, for example, in original claims 13 and 43, page 11, line 8-page 12, line 9. Amended claim 1 recites a method for securely allocating mobile devices, wherein a host computer accepts as an input an identification code that uniquely identifies the at least one user. Based on the identification code, the host computer selectively places a mobile device among the plurality of mobile devices in an operative state, and customizes operation of the selected mobile device to preset preferences of the at least one user. Amended claim 29 recites a mobile device allocation system that includes a host computer and a plurality of mobile devices, wherein the host computer is operative to customize operation of the selected mobile device to preset preferences of at least one user of the plurality of users.

For example, a user may have a particular preference for the functions certain keys perform on the mobile device. These preferences may be different than a standard configuration and/or from the preferences of other users. The host computer, based on the identification code and/or identity of the user, can automatically configure the keys of the mobile device to satisfy the user's preferences, e.g., by retrieving information regarding the history of the user, and configuring the mobile device prior to allocation such that the keys perform the functions preferred by the user.

The Examiner cites to paragraph [0098] of *McGregor* as disclosing that the host computer configures the selected mobile device's functionality based on the particular user. Referring to the cited text, *McGregor* discusses how a distributor or operator may determine the reasons for a service switch, and what can be done to prevent the switch. The cited portion, however, does not teach or suggest customizing operation of the selected mobile device to preset preferences of the at least one user, as recited in claims 1 and 29.

Accordingly, withdrawal of the rejection of claims 1 and 29 is respectfully requested.

Claims 2-24 and 30-58 depend from either claim 1 or claim 29 and, therefore, can be distinguished from *McGregor* for at least the same reasons.

**2. Claims 2 and 30**

Moreover, claims 2 and 30 recite that the mobile devices are stored in a secure area, and the user is granted access to the secure area based on the identification code. The Examiner, citing to paragraph [0082], [0104] and [0112], states that the secure area can be a rental store, retail store or local service center, and concludes that this teaches the features of claims 2 and 30. While *McGregor* does discuss rental, retail and service center locations, there is no mention in the cited text of access to these locations being under the control of a host computer. *McGregor* simply has not been shown to teach or suggest granting the user access to the secure area based on the identification code, as recited in claims 2 and 30.

**3. Claims 14 and 44**

Regarding claims 14 and 44, the Examiner admits that *McGregor* does not teach the feature of displaying an advertisement on the selected mobile device based on the previous history of the user, but takes Official Notice that such features are conventional, and that it would have been obvious to include such features so as to provide a user with means to track and trade stocks or track sporting events.

Applicant respectfully traverses the Examiner's assertion that the above features are well known, and requests that the Examiner produce authority that supports his position.

In particular, claims 14 and 44 recite that advertisements are displayed on the selected mobile terminal based on a previous history of the user. For example, the mobile device can be configured to display advertisements based on the user's past shopping preferences, such as brand preferences. As is well known, advertisements are tools used to promote or sell goods and/or services.

The Examiner, in rejecting claims 14 and 44, refers to tracking and trading stocks, or tracking sporting events. While such features may be present on mobile devices, they are not considered advertisements, as recited in claims 14 and 44. Moreover, tracking stocks and/or sporting events, without more, has nothing to do with a previous history of the user.

Accordingly, providing advertisements on mobile devices, as well as basing those advertisements on a previous history of the user, is not believed to be well-known in the art.

**4. Claims 15 and 45**

Claims 15 and 45 recite that an alarm is emitted when the user selects an inoperative mobile device. For example, if two mobile devices are available for selection, and the host computer selects mobile device 1 (e.g., the host computer places mobile device 1 in the

operative state), but the user picks up mobile device 2 (which is still in the inoperative state), mobile device 2 will emit an alarm to indicate it should not have been selected.

The Examiner cites to paragraph [0065] of *McGregor* as teaching the features of claims 15 and 45. The cited portion discloses that a failure flag is set and a message generated when a mobile telephone is defective. Based on the flag, the mobile telephone can be removed from service and repaired. The failure flag and message, however, have nothing to do with emitting an alarm when a user selects an inoperative mobile device, as recited in claims 15 and 45.

Accordingly, withdrawal of the rejection of claims 1-12, 14-24, 29-42 and 44-58 is respectfully requested.

**B. Claims 25-28 and 59-62**

Claim 25 recites a method of securely allocating devices to at least one user, wherein a plurality of mobile devices are stored in a secure area, and a host computer grants access to the secure area based on an identification code. Claim 59 recites a mobile device allocation system, wherein a plurality of mobile devices are stored in the at least one secure area, and at least one host computer is operatively configured to grant access to the at least one secure area based on a valid identification code.

The Examiner cites to paragraphs [0082], [0104] and [0112] as teaching the features of claims 25 and 59. Applicant respectfully disagrees with the Examiner for at least the following reasons.

As discussed above with respect to claims 2 and 30, the Examiner equates the secure area as being a rental store, retail store or local service center. Further, the Examiner concludes that by housing the mobile telephones within such areas, the features of claims 25 and 59 are anticipated.

As noted above, *McGregor* does not disclose that access to the rental store, retail store, or service center is under the control of a host computer. Moreover, it is clear that an individual may enter such locations without providing any identification (e.g., a customer browsing goods and services offered in the store). Clearly, the cited portion of *McGregor* does not teach or suggest a host computer granting the user access to the secure area based on an identification code.

Accordingly, withdrawal of the rejection of claims 25 and 59 is respectfully requested.

Claims 26-28 and 60-62 depend from claim 25 or 59 and, therefore, can be distinguished from *McGregor* for at least the same reasons.

Accordingly, withdrawal of the rejection of claims 26-28 and 60-62 is respectfully requested.

## **II. Conclusion**

In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,

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